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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,705	11/30/2001	Sergio Alberto Vinocur	9D-HR-19788	4297
7590	01/28/2004		EXAMINER [REDACTED]	TRAN, THUY V
John S. Beulick Armstrong Teasdale LLP One Metropolitan Sq., Suite 2600 St. Louis, MO 63102			ART UNIT [REDACTED]	PAPER NUMBER 2821

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicant No.	Applicant(s)
	09/997,705	VINOCUR ET AL.
	Examiner THUY V. TRAN	Art Unit 2821
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		
Period for Reply <p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 		
Status <p>1)<input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>14 October 2003</u>.</p> <p>2a)<input checked="" type="checkbox"/> This action is FINAL. 2b)<input type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>		
Disposition of Claims <p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-20</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) _____ is/are withdrawn from consideration.</p> <p>5)<input checked="" type="checkbox"/> Claim(s) <u>8-13</u> is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1,14 and 20</u> is/are rejected.</p> <p>7)<input checked="" type="checkbox"/> Claim(s) <u>2-7 and 15-19</u> is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.</p>		
Application Papers <p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input checked="" type="checkbox"/> The drawing(s) filed on <u>14 October 2003</u> is/are: a)<input checked="" type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>		
Priority under 35 U.S.C. §§ 119 and 120 <p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p>1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p>2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p> <p>3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p> <p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p>13)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</p> <p>a)<input type="checkbox"/> The translation of the foreign language provisional application has been received.</p> <p>14)<input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.</p>		
Attachment(s) <p>1)<input type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .</p> <p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ .</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: _____ .</p>		

DETAILED ACTION

This is a response to the Applicants' amendment submitted on 10/14/2003. According to this amendment, claims 1-20 remain active in the instant application.

Formal Drawings Replacement sheet accepted

1. The formal drawings replacement sheet filed on 10/14/2003 is accepted.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 14, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Ott et al. (U.S. Patent No. 4,851,662).

As to claim 1, Ott et al. discloses, in Figs. 1-3, a refrigerator [10] comprising (1) a fresh food section [on the right side of the refrigerator with door (12)] (*see Fig. 1; col. 2, lines 51-52*), and (2) a freezer section [on the left side of the refrigerator with door (14)] (*see Fig. 1; col. 2, lines 53-54*); wherein at least one of the fresh food section and freezer section comprises (i) a door [14] comprising an external surface and an internal surface, and (ii) a light [30] mounted to the external surface and electrically coupled to a control circuit (*or processor-free light fade-out circuit, as claimed*) (*see Figs. 1-3; col. 3, lines 32-35*).

As to claim 14 and 20, Ott et al. discloses, in Figs. 1-3, an appliance [10] and a method for de-energizing an appliance light [30] comprising the steps (1) providing a light bulb [30] (*which is mounted to an external surface of a door (14) of a freezer section; see Figs. 1-3*), (2) providing

a control circuit (*or a processor-free light fade-out circuit, as claimed*) (*see Fig. 3; col. 3, lines 32-35*), and (3) electrically coupling the light bulb [30] to the control circuit or processor-free light fade-out circuit as claimed (*see Fig. 3; col. 3, lines 32-35*) such that the appliance light [30] is de-energized using the control circuit or processor-free fade-out circuit as claimed (*via switch (40); see col. 4, lines 57-61*), wherein the appliance[10] is a refrigerator [10] (*see Figs. 1-3*).

Allowable Subject Matter

4. Claims 8-13 are allowed.
5. Claims 2-7 and 15-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Prior art fails to disclose or suggest a processor-free light fade-out circuit being comprised of (i) a step-down circuit, (ii) a one-half integrator, (iii) a square wave generator, (iv) an integrator, and (v) a voltage comparator; wherein (a) the step down circuit is electrically coupled to the one-half integrator, (b) the square wave generator is electrically coupled to the integrator, and (c) the voltage comparator is electrically coupled to the one-half integrator and the integrator, as called for in claims 2, 15, and independent claim 8.

Remarks and conclusion

7. Applicant's arguments filed 10/14/2003 have been fully considered but they are not persuasive.

With respect to the Applicants' arguments on claim 1 at page 4, first and second paragraphs, the Examiner does not agree with the Applicants' statement that is "Ott does not

describe or suggest a refrigerator including a light electrically coupled to a processor-free light fade-out circuit”. As pointed out very clearly in the Office Action mailed July 14th, 2003, Ott et al. does teach a refrigerator including a light [30] electrically coupled to a control circuit (*or processor-free light fade-out circuit, as claimed*) (see Figs. 1-3; col. 3, lines 32-35). In a general description provided in the specification of the instant application, at page 2, paragraph [0005], lines 3-5, the processor-free light fade-out circuit is electrically coupled to the light bulb such that the appliance light is de-energized using the processor-free light fade-out circuit. In regard to this description, it is understood that this processor-free light fade-out circuit functions in de-energizing the appliance light. The control circuit of the cited reference Ott et al. (see Fig. 3) is electrically connected to a light bulb [30], which is the appliance light, and configured with a photosensitive switch [40] and a toggle switch [28] so as to turn off or de-energize the appliance light [30] (see Fig. 3; col. 4, lines 57-59). Since the control circuit of the cited reference Ott et al. is configured in a way in that the function of de-energizing the appliance light can be performed, this control circuit is considered as the processor-free light fade-out circuit as claimed. As such, claim 1 remains rejected by the anticipation of Ott et al. (see 102(b) rejections set forth in this Office Action).

With respect to the Applicants’ arguments on claim 14 in the last two paragraphs at page 4, the Examiner does not agree for the same reasons as addressed above. Therefore, claims 14 and 20 remain rejected by the anticipation of Ott et al. (see 102(b) rejections set forth in this Office Action).

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUY V. TRAN whose telephone number is (571) 272-1828. The examiner can normally be reached on M-F (8:30 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DON K. WONG can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

THUY V. TRAN
Examiner
Art Unit 2821

T.T.
January 20th, 2004

Thuy Tran
Primary Examiner